



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/767,867

01/29/2004

Damon H. DeHart

ABB-126-A

4117

48980 7590 11/02/2011
YOUNG BASILE
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY, MI 48084

EXAMINER

NGUYEN, TUAN VAN

ART UNIT

PAPER NUMBER

3731

NOTIFICATION DATE

DELIVERY MODE

11/02/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@youngbasile.com
audit@youngbasile.com

<i>Examiner-Initiated Interview Summary</i>	Application No.	Applicant(s)	
	10/767,867	DEHART, DAMON H.	
	Examiner	Art Unit	
	TUAN NGUYEN	3731	

All participants (applicant, applicant's representative, PTO personnel):

(1) TUAN NGUYEN. (3) ____.

(2) FRANCINE NESTI (Reg. No. 53,376). (4) ____.

Date of Interview: 26 October 2011.

Type: ☒ Telephonic ☐ Video Conference
 ☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
 If Yes, brief description: _____.

Issues Discussed ☐ 101 ☐ 112 ☐ 102 ☐ 103 ☒ Others
 (For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1,3 and 63.

Identification of prior art discussed: Office action mailed 08/04/2011.

Substance of Interview
 (For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

During a telephone interview with applicants' representative, Francine Nesti, the Office action mailed 08/04/2011 was discussed. Examiner indicates that claims 1, 3 and 63 are not allowable in the present form. As to claim 63, Examiner indicates that the specification and drawings of the instant application fail to provide support for the limitation of "the outerwall is itself sufficiently rigid to draw fluid from a patient". Examiner indicates that incorporation of all limitations in claims 6-8 into claims 1, 3 and 63 and providing evidence or affidavit to show that "the unitary member 13 could be partially hollowed along its length" (see specification page 11, first full paragraph) provides an advantage of solved a stated problem. Examiner indicates that such amendment and evidence/affidavit would highly likely put the instant application in condition for allowance. Note that such amendment and evidence/affidavit will not be entered because the amendment and evidence/affidavit will be filed after a final rejection, thus, they required further consideration .

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/TUAN NGUYEN/ Primary Examiner, Art Unit 3731	
--	--